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| EXAMINER |
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MARSH, STEVEN M

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| ART UNIT | PAPER NUMBER |
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3632

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12/06/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/540,944 | Applicant(s) WATANABE, TAKAO | |
| | Examiner STEVEN M. MARSH | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-68, 80-83 and 90-100 is/are pending in the application.
- 4a) Of the above claim(s) 42, 46, 52, 55, 57, 65 and 68 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 80-83 and 91-100 is/are allowed.
- 6) ☒ Claim(s) 38-41, 43-45, 47-51, 53, 54, 56, 58-64, 66, 67 and 90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the sixth office action for U.S. Application 10/540,944 for a Thin Design Display Apparatus and Display Unit Detachment Method. Claims 38-68, 80-83 and 90-100 are pending. Claims 42, 46, 49, 52, 55, 57, 65, and are withdrawn.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 August 2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 43, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,014,154 to Jeong et al in view of official notice provided by the Examiner. Jeong et al. discloses a thin design display apparatus with a stand/pillar structure (25) that has an insert space and a stand base portion formed so

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as to be placed in contact with a flat plane. There is a thin type display unit (3) and a fitting part (or stand-cum-joint... 23, 31) on the display unit. The display unit is supported by the stand structure in a first usage mode, by inserting the fitting part into the insert space and the display unit includes an integral grip handle or remote controller holder (75) that can be gripped or used to hold a remote controller for remote controlling display of the display unit.

The fitting part is connected to the display unit by a rotatable rotation part (43) and the display unit is supported by the stand/pillar structure, by inserting the fitting part into the insert space and is removable by pulling out the fitting part to separate the display unit from the stand/pillar structure for support on the thin type display unit on a bottom surface of the unit, and the fitting part on the flat plane in a second usage mode (the display could be placed on the edge of a table/desk or the stand portion could be supported in a slot portion in a desk). The fitting part/stand-cum joint also has a length that can stably support the thin type display in the second mode.

Rotation of the fitting part (at 29) adjusts the angle of elevation of the display unit in the first and second usage modes. One of the fitting part and stand/pillar structure has a recess (100) and the other has a projection (110) so as to guide an insertional direction and removal by cooperation of the fitting part at the insert space of the stand/pillar structure. There is an elastic member (120) on the second portion of the fitting part that can operate as a removal prevention device for selectively preventing removal of the fitting part from the insertion space and the stand structure is a base and pillar projecting from the base. Jeong does not disclose the display unit as including a

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battery. However, the Examiner is providing official notice that it is well known in the art to utilize batteries as a power source to eliminate cables or increase the portability of an electronic device. It would have been obvious to one of ordinary skill in the art to use a battery in the display device taught by Jeong to eliminate cables and increase the portability of the device as is known in the art.

Claims 39-41, 50, 51, 53, 54, 56, 58, 59, 61-64, 66, 90 and 96-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. in view of U.S. Patent 4,690,362 to Helgeland. Jeong et al. does not disclose an anti removal device for preventing removal of the fitting part and a removal prevention releasing device for canceling the removal prevention against the fitting part by the anti removal device. Helgeland discloses an adjustable stand with a stand/pillar structure (8) that has an insert space, a display unit (3), and a fitting part (or stand-cum-joint... 9) on the thin type display unit. There is an anti removal device (16, 17) for preventing removal of the fitting part and a removal prevention releasing device (5) for canceling the removal prevention against the fitting part by the anti removal device. The gear (16) acts as an actuator shiftable towards and away from the base and movable parallel to a longitudinal axis of the fitting part.

The front end of the fitting part with respect to an insertion direction is provided with an elastic member (15) at a distal end of the stand-cum-joint and the fitting part could be separated from the stand/pillar structure. A cross section of a distal end of the fitting part is an elongate shape that is longer in a direction of a rotational axis than in a direction perpendicular to the rotational axis. One of the stand-cum-joint and the insert

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space of the stand/pillar structure has a recess and the other has a projection (the grooves and projections of gears 16 and 17) so as to guide an insertional direction and removal by a cooperation of the stand-cum-joint and the insert space of the stand/pillar structure.

Because both Jeong et al. and Helgeland teach devices for vertically adjusting a fitting part and a stand/pillar structure relative to one another, it would have been obvious to one of ordinary skill in the art to substitute one movement control device for the other to achieve the predictable result of adjust the elevation of the fitting part relative to the stand/pillar structure. The resultant structure has an elevation angle restraining portion (the gears) that makes a difference in permissible range of an angle of elevation of the display unit relative to the stand-cum-joint between the first configuration and second configuration, and there is an indicating means (a user can view the display relative to the rotation joint) for informing a user of a fact that a pivot angle between the display and joint is set at a recommended angle of elevation. Also, the method of removing the display (for disassembly to store or package) from the stand would be accomplished by lifting the display out of the fitting part (any portion of the display used to grip would function as a handle) after applying a force on the anti removal device (via 5).

Claims 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. in view of official notice. Jeong et al. et al. fails to disclose the display unit as having semicircular speakers on the left and right of the display. However, the Examiner is providing official notice that it is common in the art for flat displays to have

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semicircular speakers for projecting sound from the display or device the display is attached to and it would be obvious to one of ordinary skill in the art to provide the speakers on the display taught by Jeong et al. to project sound from the display or device to which the display is attached. Jeong et al. also fails to disclose a cushioning member, such as rubber on the fitting part. However, the Examiner is providing official notice that it is common in the art to provide rubber as a cushioning/friction member between contacting parts, and it would be obvious to one of ordinary skill in the art to provide a cushioning member on the fitting part to cushion the engaged portions of the stand.

Claims 60 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. in view of Helgeland, and in further view of official notice. Jeong et al. et al. in view of Helgeland fails to disclose the display unit as having semicircular speakers on the left and right of the display. However, the Examiner is providing official notice that it is common in the art for flat displays to have semicircular speakers for projecting sound from the display or device the display is attached to and it would be obvious to one of ordinary skill in the art to provide the speakers on the display taught by Jeong et al. in view of Helgeland to project sound from the display or device to which the display is attached. Jeong et al. in view of Helgeland also fails to disclose a cushioning member, such as rubber on the fitting part. However, the Examiner is providing official notice that it is common in the art to provide rubber as a cushioning/friction member between contacting parts, and it would be obvious to one of

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ordinary skill in the art to provide a cushioning member on the fitting part to cushion the engaged portions of the stand.

Allowable Subject Matter

Claims 80-83 and 91-100 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 38-41, 43-45, 47, 48, 50, 51, 53, 54, 56, 58-64, 66, 67, and 90 have been considered but are not persuasive. Applicant argues that the fitting part (23) of Jeong is not removable from the stand/pillar structure (25) because there is no disclosure that the part is removed. However, Jeong makes specific reference to the pillar/structure and stand as separate parts (column 3, lines 6-8). Therefore, even assuming that there is some undisclosed arrangement that prevents removal after assembly, at the very least, the fitting part is inserted into the stand at some point during assembly. If the two parts can be assembled, they can also be disassembled.

In response to applicant's argument that Jeong does not disclose a second usage mode, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Language claiming

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that the bottom surface of the display unit and the fitting part are both supported on the same plane would overcome the current rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M. MARSH whose telephone number is (571)272-6819. The examiner can normally be reached on 8:30 am - 7:00 pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on 571-272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. M./

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Examiner, Art Unit 3632

November 22, 2010

/Terrell Mckinnon/

Supervisory Patent Examiner, Art Unit 3632